



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: June 1, 2015

Reference Name	Brier Creek Assemblage (A1400003)		Jurisdiction	City
Applicant	M/I Homes of Raleigh, LLC Jeremy Medlin, VP of Land Development			
Request Change in Comprehensive Plan Designation	From:	Commercial and Low Density Residential (4 DU/Ac. or less)		
	To:	Low-Medium Density Residential (4–8 DU/Ac.)		
Site Characteristics	Tier:	Suburban		
	Present Use:	Vacant, agricultural		
	Present Zoning:	Rural Residential (RR) (Durham); Residential 4 (4 DU/Ac.) and Thoroughfare District (TD) (Raleigh)		
	Overlays:	N/A		
	Size:	23.24 acres		
Location	Andrews Chapel Road, near the intersection with Del Webb Arbors Drive			
PINs	0769-04-51-8233.DW, 0769-04-71-0259, 0769-04-52-9553, 0769-04-53-9028			
Recommendations	Approval, based on the proposal being justified and meeting the four criteria for plan amendments			
	Approval, 10-0, April 14, 2015, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing			

A. Summary

The applicant, M/I Homes of Raleigh, NC, LLC is proposing changes to the Future Land Use Map (FLUM) and the Zoning Map for six parcels that would allow development of a residential community. The six parcels that make up the proposed development are presently composed primarily of land designated Low-Medium Density Residential; however, several small portions of four of the parcels are designated Low Density Residential or Commercial. The applicant's proposed development project is incompatible with the Low Density Residential and Commercial designations. The applicant is proposing that the City amend those portions of the FLUM, amounting to 23.24 acres in total, to Low-Medium Density Residential. The development plan associated with the companion zoning map change request (Z1400006) shows a residential development of approximately 500 units.

B. Site History

The site falls along the border of Durham and Wake Counties. One of the four subject parcels is located in both Durham and Wake Counties; however, the Wake County portion was annexed by the Durham City Council on March 16, 2015.¹ Site conditions in this area have changed since the creation of the *Durham Comprehensive Plan* in 2005, with increasing residential density and nonresidential development following the development of Brier Creek in the last decade, just over the Wake County border.

C. Existing Site Characteristics

The site of the proposed plan amendment consists of portions of four parcels, totaling 23.24 acres, and is situated close to the intersection of Andrews Chapel Road and Del Webb Arbors Drive. The majority of the subject area is forested, or contains agricultural pasture. Two parcels have frontage along Andrews Chapel Road. While the areas under consideration do not contain sensitive environmental features, two of the parcels encompassing portions of the site contain streams (Little Brier Creek) that feed the Neuse River.

D. Applicant's Plan Amendment Justification

The applicant states that the portions of the parcel under consideration ought to be amended from their adopted land use designations (Commercial and Low Density Residential) to be more compatible with the surrounding use of Low-Medium Density Residential, which would make best use of the site. The applicant states that the proposed designation of Low-Medium Density Residential would create an effective transition between more intense land uses to the south (Office and Residential Mixed Use) and less intense uses to the north (Low Density Residential). Furthermore, the removal of the current Commercial land use designation from one parcel would reduce pressures to develop more intensely on that parcel. The applicant expects no substantial adverse impacts to neighboring parcels or in the City or County in general. The applicant states the site is of adequate shape and size to accommodate uses allowed under the proposed Low-Medium Density Residential designation.

Staff Response: Staff agrees with the applicant that the proposed conversion of land along Andrews Chapel Road from Low Density Residential to Low-Medium Density Residential is compatible with surrounding uses because it allows for more intense uses to expand from a developing commercial node located just over the county line. Staff further agrees that the conversion of the southernmost portion of the subject area from Commercial to Low-Medium Density Residential reduces the intensity of use, making it compatible with contiguous designations on both sides of the county line. Finally, the conversion of the easternmost portion from Low Density Residential to Low-Medium Density Residential allows for greater intensity without substantial detrimental effect.

¹ This land is within the City of Durham service area per the 1999 Durham-Raleigh Annexation Agreement.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan* (see Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. Evaluating the proposed plan amendment for consistency with relevant policies is crucial in determining if changing the Future Land Use Map is appropriate. The following policies were deemed relevant to the current plan amendment request.

Table 1: Policies in support of increased density in Suburban Tier
<i>Policy 2.2.2f. Suburban Tier Spacing of Commercial Nodes.</i> The City-County Planning Department shall use the following standards when evaluating requests for new commercial development in the Suburban Tier: <ul style="list-style-type: none">i. Separate distinct nodes of commercial development by a distance of at least one-half mile, measured from the outermost edge of the node;ii. Cluster commercial uses at intersections of thoroughfares; andiii. Restrict new, isolated, mid-block commercial uses.
<i>Policy 2.3.1a. Contiguous Development.</i> Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.

Amending the Future Land Use Map to Low-Medium Density Residential is consistent with the abovementioned policy statements. The Plan seeks to promote distinct nodes of commercial development at major intersections, spaced at least half a mile apart. The conversion of the Commercial portion of the subject area to a residential designation eliminates a Commercial fragment not attached to a node. Furthermore,

the Plan promotes contiguous development patterns, encouraging greater density in areas where appropriate, and avoidance of leapfrog development patterns. The proposed amendment seeks to increase the density of the subject site from its current designation because of its proximity to major commercial development in an area where City services are already provided. Furthermore, this development would be contiguous to existing residential development of similar density.

Staff Conclusion: This proposed plan amendment is consistent with adopted plans and policies and therefore meets criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

This site is located along the eastern edge of Durham County, approximately one mile north of US Highway 70 and eight miles southeast of the City center. Despite its suburban location at the county line, the area to the south is developing quickly because of its proximity to an already established commercial center in Wake County. This center takes advantage of the interchange of US Highway 70 and Interstate 540. Much of the land around it in Durham County is designated Low Density Residential and Low-Medium Density Residential.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Vacant	Low Density Residential
East	Rural residential, single-family residential	Low Density Residential
South	Vacant, multifamily residential, offices	Office & Residential Mixed Use (Wake County)
West	Rural residential, single-family residential	Low-Medium Density Residential

Existing Uses: The site of the proposed plan amendment is situated one mile north of commercial development in Wake County, including Alexander Promenade (containing a Wal-Mart Supercenter) and Brier Creek Shopping Center. Between this commercial area and the subject site is a transitional area of multifamily residential development and offices. To the west, across Del Webb Arbors Drive, is a suburban housing development with single-family homes, currently under construction. To the north and east lie mainly rural residential lands with single-family homes and some agricultural uses.

Future Land Use Designations: Land to the immediate north and east of the site is designated Low Density Residential. Land to the west is designated Low-Medium Density Residential. Land to the south is located in Wake County and out of City of Durham jurisdiction; it is designated Office & Residential Mixed Use.

Analysis: Because of its location less than one mile from US Highway 70, with proximity to Interstate 540, the area contains prime land for development. The area is heavily forested at present, and lies adjacent to lands in Durham County that have retained their rural character. However, the site also lies adjacent to heavily trafficked suburban commercial centers in Wake County and recent residential developments in Durham County. In addition, a US Highway 70 expansion is planned that will convert the present highway into a limited access freeway. This proposal supports the City and County policy that promotes compatible land usage and appropriate future development patterns.

Staff Conclusion: The proposed plan amendment is consistent with designated future land uses in the area and therefore meets criterion 3.4.7.B.

3. Adverse Impacts

Infrastructure: A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D.

Analysis: A Traffic Impact Analysis (TIA) was required as part of the zoning map change process. T.W. Alexander Drive and Leesville Road are the major roads impacted by the proposed development. According to the TIA, there are two scheduled North Carolina Department of Transportation (NCDOT) roadway improvement projects in the area: (a) TIP Projects U-4720 and U-5518A will provide improvements to the US Highway 70 corridor from Lynn Road to Interstate 540 but are currently unfunded; and (b) TIP Project U-5518C will construct a grade separated interchange on US Highway 70 at Brier Creek Parkway. This latter project had been previously scheduled for construction in 2017, but is now subject to reprioritization. T.W. Alexander Drive currently has a roadway capacity of 41,800 annual average daily traffic (AADT) and Leesville Road 12,700 AADT. The latest traffic volume on these roads was 22,000 and 4,800 respectively, showing them to be substantially under capacity at present. The proposed development is expected to generate 2,528 additional AADT. After improvements called for in the TIA, the road infrastructure should be able to accommodate traffic from the proposed development. Transit service does not currently exist to this site. A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report.

The proposed development is projected to increase the number of students in Durham County by 163, and to increase the estimated water demand by 70,990

gallons per day. The existing infrastructure has available capacity to meet these increases.

Future Demand for Land Uses: *Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for housing and non-residential uses. The proposed amendment seeks primarily to intensify residential uses existing on the site. Projections show that the proposed plan amendment does not detract from Durham providing sufficient land to accommodate commercial and residential needs to 2035. The loss of Commercial designated land as a result of this plan amendment will not affect Durham's ability to provide sufficient land for commercial uses in the future.

Environment: The site is not located in a watershed protection overlay and contains no Significant Natural Heritage Area.

Staff Conclusion: The proposed plan amendment does not create any substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 23.24 acres in total, and while the component parts are smaller, each is of sufficient shape and size for Low-Medium Residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- People's Alliance
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 1
- Olive Branch Road Association
- City of Raleigh
- RDU HZO Permit Area
- Keep Durham Beautiful

G. Recommendations

Staff recommends approval, based on the proposal being justified and meeting the four criteria for plan amendments. Planning Commission recommended approval, 10-0, at their April 14, 2015 meeting, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.

H. Staff Contact

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I. Attachments

Attachment 1, Proposed Change Map
Attachment 2, Area Context Map
Attachment 3, Aerial Image
Attachment 4, Applicant's Justification Statement
Attachment 5, 1999 Durham-Raleigh Annexation Agreement
Attachment 6, Planning Commission Written Comments
Attachment 7, Resolution